IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :5281 of 2006

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Dated: 28th August 2006.

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Between:

The Asst. Commissioner (CT)(LTU),
O/o Deputy Commissioner (CT),
No.II Division, Vijayawada

..... PETITIONER

AND

Union of India,
Reptd. By its Secretary, Ministry of Industries,
New Delhi and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND

THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.5281 OF 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue any appropriate writ or order or a direction particularly one in the nature of a writ of mandamus declaring the orders passed by the second respondent dated: 23-01-2006 passed in M.A.No.20 of 2006 in Appeal No.109 of 2004 as illegal, arbitrary and without jurisdiction and consequently set-aside the same and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."

The impugned order is an interlocutory order of the 2nd respondent; an appellate body under the Sick Industrial Companies (Special Provisions) Act, 1985. By the said order, the 2nd respondent stayed the communication dated 18-01-2006 of the Deputy Commissioner of Commercial Taxes No.II Division, Vijayawada, by which the 3rd respondent was called upon to pay the entire amount of arrears due to the

Commercial Tax Department, which is to a tune of Rs.8.32 Crores within the specified time.

Further details of the writ petition are not necessary as when the matter is taken up, the learned Government Pleader placed proceedings of the Government of Andhra Pradesh dated 28-07-2006 and submits that an amount of Rs.5.50 Crores towards arrears of tax had already paid and for the balance, the Government of Andhra Pradesh, by the above referred proceedings, granted six equal monthly installments to the 3rd respondent and therefore, nothing survives for adjudication in the writ petition.

In the circumstances, the writ petition is dismissed as having become infructuous at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

28th August 2006
mrk